



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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No. 12634

KANTOOR VAN DIE STAATSPRESIDENT

No. 1614.

13 Julie 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 112 van 1990: Wet op die Opheffing van die Toepassing van Sekere Wette op Namibië, 1990.

STATE PRESIDENT'S OFFICE

No. 1614.

13 July 1990

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 112 of 1990: Application of Certain Laws to Namibia Abolition Act, 1990.

Wet No. 112, 1990

WET OP DIE OPHEFFING VAN DIE TOEPASSING VAN SEKERE
WETTE OP NAMIBIË, 1990**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van sekere wette ten einde die toepassing daarvan ten opsigte van Namibië op te hef; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Opheffing van toepassing van sekere wette op Namibië

1. Die Wette in die Bylae vermeld, word hierby gewysig in die mate in die derde kolom van die Bylae aangedui.

5

Kort titel

2. Hierdie Wet heet die Wet op die Opheffing van die Toepassing van Sekere Wette op Namibië, 1990.

APPLICATION OF CERTAIN LAWS TO NAMIBIA ABOLITION ACT,
1990

Act No. 112, 1990

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend certain laws so as to abolish the application thereof in respect of Namibia; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 28 June 1990.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Abolition of application of certain laws to Namibia

1. The laws mentioned in the Schedule are hereby amended to the extent set out
5 in the third column of the Schedule.

Short title

2. This Act shall be called the Application of Certain Laws to Namibia Abolition Act, 1990.

Wet No. 112, 1990

WET OP DIE OPHEFFING VAN DIE TOEPASSING VAN SEKERE
WETTE OP NAMIBIË, 1990

Bylae

No. en jaar van wet	Kort titel	In hoeverre gewysig
Wet No. 1 van 1937	Wet op Vreemdelinge, 1937	1. Die wysiging van artikel 1 deur die omskrywing van "Unie" te skrap. 2. Die herroeping van artikel 13bis.
Wet No. 44 van 1949	Wet op Suid-Afrikaanse Burgerskap, 1949	1. Die wysiging van artikel 1 deur die omskrywing van "Unie" te skrap. 2. Die wysiging van artikel 19 deur subartikel (6) deur die volgende subartikel te vervang: "(6) 'n Ondersoek ingevolge subartikel (4) word gehou deur 'n kommissie van hoogstens drie persone, met inbegrip van die voorsitter, wat vir die doel deur die Minister saamgestel word onder voorsitterskap van 'n deur die Minister aangestelde persoon wat 'n regter van die Hooggeregshof van Suid-Afrika [of die Hoë Hof van Suidwes-Afrika] is of was: Met dien verstande dat so 'n ondersoek, na goeddunke van die Minister, deur 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika [of deur die Hoë Hof van Suidwes-Afrika] gehou kan word." 3. Die vervanging van artikel 41 deur die volgende artikel: "Toepassing van Wet 41. Hierdie Wet en enige wysiging daarvan is in die [Gebied Suidwes-Afrika met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word en in die] Prince Edward-cilande van toepassing."
Wet No. 34 van 1955	Wet tot Reëling van Vertrek uit die Unie, 1955	1. Die wysiging van artikel 1 deur die omskrywing van "Unie" te skrap. 2. Die herroeping van artikel 10.
Wet No. 25 van 1961	Huwelikswet, 1961	1. Die wysiging van artikel 5— (a) deur subartikel (1) deur die volgende subartikel te vervang: "(1) [Behoudens die bepalings van subartikel (3), behou iemand] iemand wat by die inwerkingtreding van hierdie Wet of van die Wysigingswet op Huwelike, 1970, kragtens die bepalings van 'n vorige wet gemagtig is om enige huwelike te voltrek, behou die bevoegdheid om sodanige huwelike te voltrek asof die vorige wet nie herroep is nie, maar moet dié bevoegdheid ooreenkomstig die bepalings van hierdie Wet uitoefen."; en (b) deur subartikel (3) te skrap. 2. Die wysiging van artikel 12 deur paragraaf (a) deur die volgende paragraaf te vervang: "(a) elkeen van die betrokke partye sy of haar identiteitsdokument uitgereik kragtens die bepalings van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), [of die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970] aan die huweliksbevestiger voorleë; of" 3. Die wysiging van artikel 39 deur subartikel (1) deur die volgende subartikel te vervang: "(1) Behoudens die bepalings van subartikels (2) tot en met [(5)] (4) word die wette in die Bylae vermeld hierby herroep vir sover in die vierde kolom daarvan uiteengesit [behalwe vir sover hulle in die gebied Suidwes-Afrika van toepassing is]." 4. Die herroeping van artikel 39A.
Wet No. 59 van 1972	Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972	1. Die wysiging van artikel 1 deur in subartikel (1) die omskrywing van "Republiek" te skrap. 2. Die herroeping van artikel 56.

APPLICATION OF CERTAIN LAWS TO NAMIBIA ABOLITION ACT,
1990

Act No. 112, 1990

Schedule

No. and year of law	Short title	Extent of amendment
Act No. 1 of 1937	Aliens Act, 1937	1. The amendment of section 1 by the deletion of the definition of "Union". 2. The repeal of section 13<i>bis</i>.
Act No. 44 of 1949	South African Citizenship Act, 1949	1. The amendment of section 1 by the deletion of the definition of "Union". 2. The amendment of section 19 by the substitution for subsection (6) of the following subsection: "(6) An enquiry under subsection (4) shall be held by a committee of not more than three persons including the chairman, constituted for the purpose by the Minister, presided over by a person, appointed by the Minister, who is or has been a judge of the Supreme Court of South Africa [or of the High Court of South-West Africa]: Provided that any such enquiry may, if the Minister thinks fit, be held by any provincial division of the Supreme Court of South Africa [or by the High Court of South-West Africa]." 3. The substitution for section 41 of the following section: "Application of Act" 41. This Act and any amendment thereof shall apply in [the Territory of South-West Africa including the eastern Caprivi Zipfel referred to in section 3 of the South West African Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in] the Prince Edward Islands."
Act No. 34 of 1955	Departure from the Union Regulation Act, 1955	1. The amendment of section 1 by the deletion of the definition of "Union". 2. The repeal of section 10.
Act No. 25 of 1961	Marriage Act, 1961	1. The amendment of section 5— (a) by the substitution for subsection (1) of the following subsection: "(1) [Subject to the provisions of subsection (3), any] Any person who, at the commencement of this Act, or of the Marriage Amendment Act, 1970, is under the provisions of any prior law authorized to solemnize any marriages, shall continue to have authority to solemnize such marriages as if such law had not been repealed, but shall exercise such authority in accordance with the provisions of this Act."; and (b) by the deletion of subsection (3). 2. The amendment of section 12 by the substitution for paragraph (a) of the following paragraph: "(a) each of the parties in question produces to the marriage officer his or her identity document issued under the provisions of the Population Registration Act, 1950 (Act No. 30 of 1950) [or the Identity Documents in South-West Africa Act, 1970]; or". 3. The amendment of section 39 by the substitution for subsection (1) of the following subsection: "(1) Subject to the provisions of subsections (2) to [(5)] (4) inclusive, the laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof [except in so far as they apply in the territory of South-West Africa]." 4. The repeal of section 39A.
Act No. 59 of 1972	Admission of Persons to the Republic Regulation Act, 1972	1. The amendment of section 1 by the deletion in subsection (1) of the definition of "Republic". 2. The repeal of section 56.

Wet No. 112, 1990

WET OP DIE OPHEFFING VAN DIE TOEPASSING VAN SEKERE
WETTE OP NAMIBIË, 1990

No. en jaar van wet	Kort titel	In hoeverre gewysig
Wet No. 45 van 1979	Kieswet, 1979	1. Die wysiging van artikel 4— (a) deur in paragraaf (a) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: “indien hy in die Republiek [of in die gebied Suidwes-Afrika] of in 'n onafhanklike Staat skuldig bevind is—”; en (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: “(a) iemand in die Republiek [of in die gebied Suidwes-Afrika] of in 'n onafhanklike Staat skuldig bevind is aan 'n misdryf (uitgesonderd 'n misdryf bedoel in subartikel (1) (a)) ten opsigte waarvan hy gevonnis is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete of bevel is om kragtens die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiësentrusse, 1971 (Wet No. 41 van 1971), of, in die geval van bedoelde onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is en die bekampings van die misbruik van afhanklikheidsvormende medisyn en alkoholiese drank ten doel het, aangehou te word; of”. 2. Die wysiging van artikel 81A deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: “(b) wat op 'n kieserslys van 'n afdeling geregistreer is en op die stembag te alle tye gedurende die stemure [in die gebied Suidwes-Afrika of] op 'n eiland onder die soewereiniteit van die Republiek sal wees.”.

APPLICATION OF CERTAIN LAWS TO NAMIBIA ABOLITION ACT,
1990

Act No. 112, 1990

No. and year of law	Short title	Extent of amendment
Act No. 45 of 1979	Electoral Act, 1979	1. The amendment of section 4— (a) by the substitution in paragraph (a) of subsection (1) for the words preceding subparagraph (i) of the following words: “if he has been convicted in the Republic [or in the territory of South-West Africa] or in an independent State—”; and (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph: “(a) has been convicted in the Republic [or in the territory of South-West Africa] or in an independent State of an offence (except an offence referred to in subsection (1) (a)) in respect of which he has been sentenced to a period of imprisonment without the option of a fine or ordered to be detained under the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or, in the case of the said independent State, under any law which is applicable in that State and which has as its object the combating of the abuse of dependence-producing drugs and alcoholic liquor; or”. 2. The amendment of section 81A by the substitution for paragraph (b) of subsection (2) of the following paragraph: “(b) who is enrolled on the voters’ list for a division and will throughout the hours of polling on polling day be [in the territory of South-West Africa or] on any island under the sovereignty of the Republic.”.

